

EXHIBIT B

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15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF ARIZONA**

17 IN RE BARD IVC FILTERS
18 PRODUCTS LIABILITY LITIGATION

19 No. MD-15-02641-PHX-DGC

20 **MASTER SHORT FORM COMPLAINT**
21 **FOR DAMAGES FOR INDIVIDUAL**
22 **CLAIMS**

23 Plaintiff(s) named below, for their Complaint against Defendants named below,
24 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

25 Plaintiff(s) further show the Court as follows:

26 1. Plaintiff/Deceased Party:

27 Kenneth Edward Matthews

28 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
29 consortium claim:

Zonies Law LLC
1900 Wazee St., #203
Denver, CO 80202
(720) 464-5300

April Christine Matthews

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

North Carolina

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

North Carolina

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

North Carolina

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court North Carolina Middle District

8. Defendants (check Defendants against whom Complaint is made):

X C.R. Bard, Inc.

X Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

X Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master

Complaint:

1 N/A

2

3

4 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
5 claim (Check applicable Inferior Vena Cava Filter(s)):

- 6 Recovery® Vena Cava Filter
- 7 G2® Vena Cava Filter
- 8 G2® Express (G2®X) Vena Cava Filter
- 9 Eclipse® Vena Cava Filter
- 10 Meridian® Vena Cava Filter
- 11 Denali® Vena Cava Filter
- 12 Other: _____

13 11. Date of Implantation as to each product:

14 August 3, 2013

15 16. 12. Counts in the Master Complaint brought by Plaintiff(s):

- 17 Count I: Strict Products Liability – Manufacturing Defect
- 18 Count II: Strict Products Liability – Information Defect (Failure to
19 Warn)
- 20 Count III: Strict Products Liability – Design Defect
- 21 Count IV: Negligence - Design
- 22 Count V: Negligence - Manufacture

- X Count VI: Negligence – Failure to Recall/Retrofit
 - X Count VII: Negligence – Failure to Warn
 - X Count VIII: Negligent Misrepresentation
 - X Count IX: Negligence *Per Se*
 - X Count X: Breach of Express Warranty
 - X Count XI: Breach of Implied Warranty
 - X Count XII: Fraudulent Misrepresentation
 - X Count XIII: Fraudulent Concealment
 - X Count XIV: Violations of Applicable North Carolina Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - X Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - X Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

2 X Yes

3 No

4 RESPECTFULLY SUBMITTED this 3rd day of August, 2016.

5 **ZONIES LAW LLC**

6 By: s/ Joseph J. Zonies

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14
15 *Attorneys for Plaintiff*

16
17 I hereby certify that on this 3rd day of August, 2016, I electronically transmitted the
18 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
19 of a Notice of Electronic Filing.

20 s/ Jenelle Cox

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): **Kenneth Edward Matthews ; April Christine Matthews**

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Outside the State of Arizona

Plaintiff's Atty(s):

Joseph J. Zonies
Zonies Law LLC
1900 Wazee Street, Suite 203
Denver, Colorado 80202
720-464-5300

Defendant(s): **C.R. Bard, Inc. ; Bard Peripheral Vascular, Inc.**

County of Residence: Outside the State of Arizona

Defendant's Atty(s):

II. Basis of Jurisdiction:

4. Diversity (complete item III)

**III. Citizenship of Principal
Parties (Diversity Cases Only)**

Plaintiff:- **2 Citizen of Another State**

Defendant:- **5 Non AZ corp and Principal place of Business outside AZ**

IV. Origin :

6. Multidistrict Litigation

V. Nature of Suit:

365 Personal Injury - Product Liability

VI.Cause of Action:

USC SEC. 1332, 1441, 1446

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: Yes

VIII. This case **IS RELATED** to Case Number **MDL 2641** assigned to Judge .

Signature: s/ Joseph J. Zonies

Date: 08/03/2016

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014